

DEPARTMENT OF HEALTH BOARD OF PHYSICAL THERAPY MEETING MINUTES

Tuesday, September 17, 2002

Department of Health, CenterPoint, 20435 72nd Avenue S., Suite 200, Kent, WA.

On September 17, 2002, the Board of Physical Therapy met at the Department of Health, CenterPoint, 20435 72nd Ave. S, Suite 200, Kent, WA. In accordance with the Open Public Meetings Act, notices were sent to individuals requesting notification of meetings.

MEMBERS PRESENT

Dyke Dickie, PT, Chair
Samuel Stockton, PT, Vice Chair
Teri Yap-Yoshikawa, PT
Shawn Quigley, PT

STAFF PRESENT

Kristin Hamilton, Program Manager
Kris Waidely, Program Manager
Melissa Hartley, Staff Attorney
Alan Copsey, AAG, Board Advisor
Dave Magby, Chief Investigator

GUESTS PRESENT

Patricia Van Wagner, PT

OPEN SESSION

1. CALL TO ORDER - 9:00 am

1.1 Approval of Agenda

The Agenda was approved as presented except that the election of officers was moved to Item 13.a.

1.2 Approval of Meeting Minutes

May 21, 2002 Meeting Minutes - Approved with typographical change.
June 27, 2002 Conference Call Minutes - Approved as written.
August 15, 2002 Conference Call Minutes - Approved as written.

2. INTRODUCTION OF NEWLY APPOINTED BOARD MEMBER

Mr. Dickie introduced newly appointed Board member, Shawn Quigley, PT. The other Board members briefly introduced themselves to Ms. Quigley, as did staff members who were present. According to tradition, the Board asked Ms. Quigley to write her "first impressions" as a Board member for future inclusion in publications from the Board.

3. ELECTION OF OFFICERS

This item was moved to 13.A on the Agenda

4. BOARD DELEGATIONS

The Board reviewed current delegations, including items delegated to the Board Chair, and signature delegations. The signature delegation was approved as presented, as were the delegations to the Board Chair.

5. THE ROLE OF THE AAG ADVISOR

Alan Copsey, AAG, Board Advisor, provided an overview of the role of the AAG advisor to the Board.

Mr. Copsey also identified and discussed three aspects of the law that govern some of the Board's activities: 1) the Administrative Procedures Act (APA); 2) The Open Public Meetings Act; and 3) The Public Disclosure Act.

In reply to a question regarding whether or not Board members may serve beyond the end of the term, Mr. Copsey stated that the PT Practice Act doesn't allow Board members to sit beyond the expiration date of their term, whereas some practice acts do allow members to serve until a replacement has been appointed. Members can be appointed pro tem by the Secretary of Health for a specified period of time for specified duties, related only to disciplinary functions.

Mr. Copsey also provided the Board with information relating to the "Panel of Three", explaining that a Reviewing Board Member (RBM) must present a recommendation for statement of charges to a panel of three other Board members for authorization. This authorization cannot be delegated to the individual RBM. If pro tem members are on this panel, one of the actual sitting members must chair the panel. The RBM has authority to direct the investigation and recommends charges. The RBM may also authorize sanctions in the settlement phase of the process. A panel of three members must ultimately agree and sign-off on the agreed order that includes the sanctions. It may be beneficial to discuss sanctions when the charging decision is made.

6. 2003 MEETING DATES

January 13-14 in Kent.

March 17-18 in Kent.

May 19-20 in Spokane.

July 14-15 in Kent (tentative date).

September 15-16 in Vancouver area.

November 17-18 in Kent.

7. RESPONSE TO LETTER FROM CHRISTINE LARSON, PT

Alan Copsey, AAG, provided an update to the Board on this issue. Mr. Copsey will write a response letter to Ms. Larson.

8. LETTER FROM REDGE CAMPBELL, MS, OTR/L

The Board reviewed an email request for information from Mr. Campbell regarding administration of narcotic "lollipops" for pain management prior to wound treatment. Mr. Copsey will research this issue for response at the November meeting.

11:00 AM - CLOSED SESSION

9. REVIEW OF APPLICATIONS

- Applicant A - Application denied due to lack of sufficient general and professional studies.

- Applicant B – Application denied pending completion of wound care course.

10. DISCIPLINARY CASE REVIEWS

- Case No. 2002-07-0001PT
ACTION: Statement of Charges on Intent to Deny authorized.
- Case No. 2001-01-0003PT
ACTION: Statement of Charges authorized.
- Case No. 2002-02-0001PT
ACTION: Case Closed - below threshold, otherwise remedied.
- Case No. 2002-08-0001PT
ACTION: Case Closed - No violation
- Case No. 2002-08-0002 PT
ACTION: Case Closed - No violation

1:30 PM - OPEN SESSION

11. THE ROLE OF THE INVESTIGATION SERVICE UNIT

Dave Magby, Chief Investigator, provided an overview of the role and activities of the Department of Health Investigation Service Unit, and it's role in the complaint review process.

Mr. Dickie commended Mr. Magby and the other investigators for the valuable information and services they provide to the Board.

12. THE ROLE OF THE STAFF ATTORNEY

Melissa Hartley, Staff Attorney, provided an overview of the role of the Department of Health Staff Attorney in the disciplinary process, including the collaborative relationship with the AAG prosecutor.

13. PREPARATION FOR FSBPT ANNUAL MEETING

The Board finalized their voting recommendations for the delegate attending the Federation of State Boards of Physical Therapy (FSBPT) Annual Meeting, held September 27-30, 2002. Sam Stockton, PT, has been named as delegate for the meeting.

A brief overview of the FSBPT was given for the benefit of the new Board members. The Board then went through new information from Texas, Maryland and Ohio Boards regarding motions they are presenting to the delegations. Based on the new information, the Board made the following CHANGES to the voting recommendations listed in the August 15, 2002 Conference call minutes:

Motion 1 - No

Motion 5 - Yes

Motion 8 - Yes, with amendments.

Motion 9 - Hear arguments and vote accordingly.

Motion 10 - Hear arguments and vote accordingly.

Motion 20 - Yes if they currently fund these people. No if they don't fund them.

Motion 24 - Yes

Motion 25 - Yes, with reservations.

Motion 27 - No

Motion 30 - Yes, but clarification needs to be made on the 45 and 90-day issue.

Motion 31 - No

The final decision regarding voting will be made by the delegate, based on discussions at the delegate assembly meeting.

13.A. ELECTION OF OFFICERS

NOMINATIONS:

Dyke Dickie nominated Sam Stockton as Chair. Mr. Stockton was unanimously voted to the position of Board Chair.

Ms. Yoshikawa nominated Shawn Quigley as Vice-Chair. Ms. Quigley was unanimously voted to the position of Board Vice-Chair.

14. PROGRAM REPORT

14.1 Update on Court Case

As this item relates to an open application, the discussion was moved to Closed Session for discussion during application reviews.

14.2 DOH Information Update provided by Ms. Hamilton

- Bonnie King will be the acting Director of HPQA while Sue Shoblom is in the acting position of HSQA Administrator.
- All HPQA staff will be moving to a new building in February 2003. The building is located in Tumwater.
- Nancy Ellison, Deputy Secretary of DOH, is leaving to work in private industry.
- The FSBPT has recently informed us that there have been incidences of internet cheating on the National Examination. At this time, it does not appear that any Washington candidates or licensees were involved.

14.3 Rules Update

- Ms. Hamilton asked the Board to review the enclosed rule packet to be certain that every rule pending rule is included in the packet.
- Staff is moving forward with SBEIS and significant analysis portion of the rules process.
- The rules hearing will likely be held in March 2003.

14.4 Planning for Upcoming Meetings

- Patti Latsch, OPS Senior Judge, will be invited to a future meeting to present information on the role of the Presiding Officer.
- Credentials company review will be done no later than the July 2003 meeting.

- The DOH/Board Operating Agreement will be handed out at the next meeting with the intent to review at the January 2003 meeting.

15. ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 3:55 p.m.

Respectfully submitted:

Approved:

Signature on file
Kristin Hamilton
Program Manager

Signature on file
Sam Stockton, PT, Chair
Board of Physical Therapy